

Draft

**Initial Study/Mitigated Negative Declaration
for the Bellevue Avenue Park Project**

Prepared for:

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September 2003

Jones & Stokes. 2003. *Initial study/mitigated negative declaration for the Bellevue Avenue Park Project*. Draft. September. (J&S 03-050.) San Jose, CA. Prepared for the City of San Jose Redevelopment Agency, San Jose, CA.

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Purpose of this Document

This initial study/mitigated negative declaration (IS/MND) is a public document that assesses the environmental effects of the proposed Bellevue Avenue Park Project (proposed project), as required by the California Environmental Quality Act (CEQA) and in compliance with the State CEQA Guidelines (14 California Administrative Code 1400 et seq.). It serves as an informational document to be used in the local planning and decision-making process, and does not recommend approval or denial of the proposed project.

The City of San Jose (City) Redevelopment Agency (SJRA) is the project sponsor, and the City's Planning Division is the state lead agency under CEQA. In its capacity as lead agency, the Planning Division must evaluate the environmental impacts of the proposed project when considering whether to approve the proposed project. An IS/MND has been prepared for the proposed project because all impacts resulting from the proposed project that are considered significant would be reduced to a less-than-significant level by implementing mitigation measures.

Scope of this Document

This document evaluates the project's impacts on the following resource topics:

- aesthetics,
- agricultural resources,
- air quality,
- biological resources,
- cultural resources,
- geology and soils,
- hazards and hazardous materials,
- hydrology and water quality,

- land use planning,
- mineral resources,
- noise,
- population and housing,
- public services,
- recreation,
- transportation/traffic, and
- utilities and service systems.

Impact Terminology

The following terminology is used in this document to describe the levels of significance of impacts that would result from the proposed project:

- The proposed project is considered to have *no impact* if the analysis concludes that the proposed project would not affect a particular resource topic.
- An impact is considered *less than significant* if the analysis concludes that the proposed project would cause no substantial adverse change to the environment and that impacts would not require mitigation.
- An impact is considered *less than significant with mitigation incorporated* if the analysis concludes that the proposed project would cause no substantial adverse change to the environment with the inclusion of mitigation measures to which the applicant has agreed.

Organization of this Document

The content and format of this document, described below, are designed to meet the requirements of CEQA.

- Chapter 1, “Introduction,” identifies the purpose, scope, and terminology of this document.
- Chapter 2, “Project Description,” identifies the proposed project’s location, objectives, characteristics, and construction information; identifies the permits and approvals required; and identifies public involvement procedures.
- Chapter 3, “Environmental Checklist,” presents the checklist responses for each resource topic. This section includes a brief setting description for each resource topic and identifies the proposed project’s impacts on those resources topics.
- Chapter 4, “References Cited,” identifies all printed references and personal communications cited in this report.

- Chapter 5, “List of Preparers,” identifies the individuals involved in preparing this document and their areas of technical specialty.

Chapter 2

Project Description

Project Location

The project site is located on the block bounded by Bellevue Avenue, Monterey Highway, Union Pacific Railroad (UPRR) tracks, and Pomona Avenue in San Jose, California (Figure 1). The proposed project would include the demolition of existing warehouse and industrial buildings and construction of a park on the block. The project site would include the properties at 50, 90, 100, 102, 110, 120, 136, 138, and 150 Bellevue Avenue.

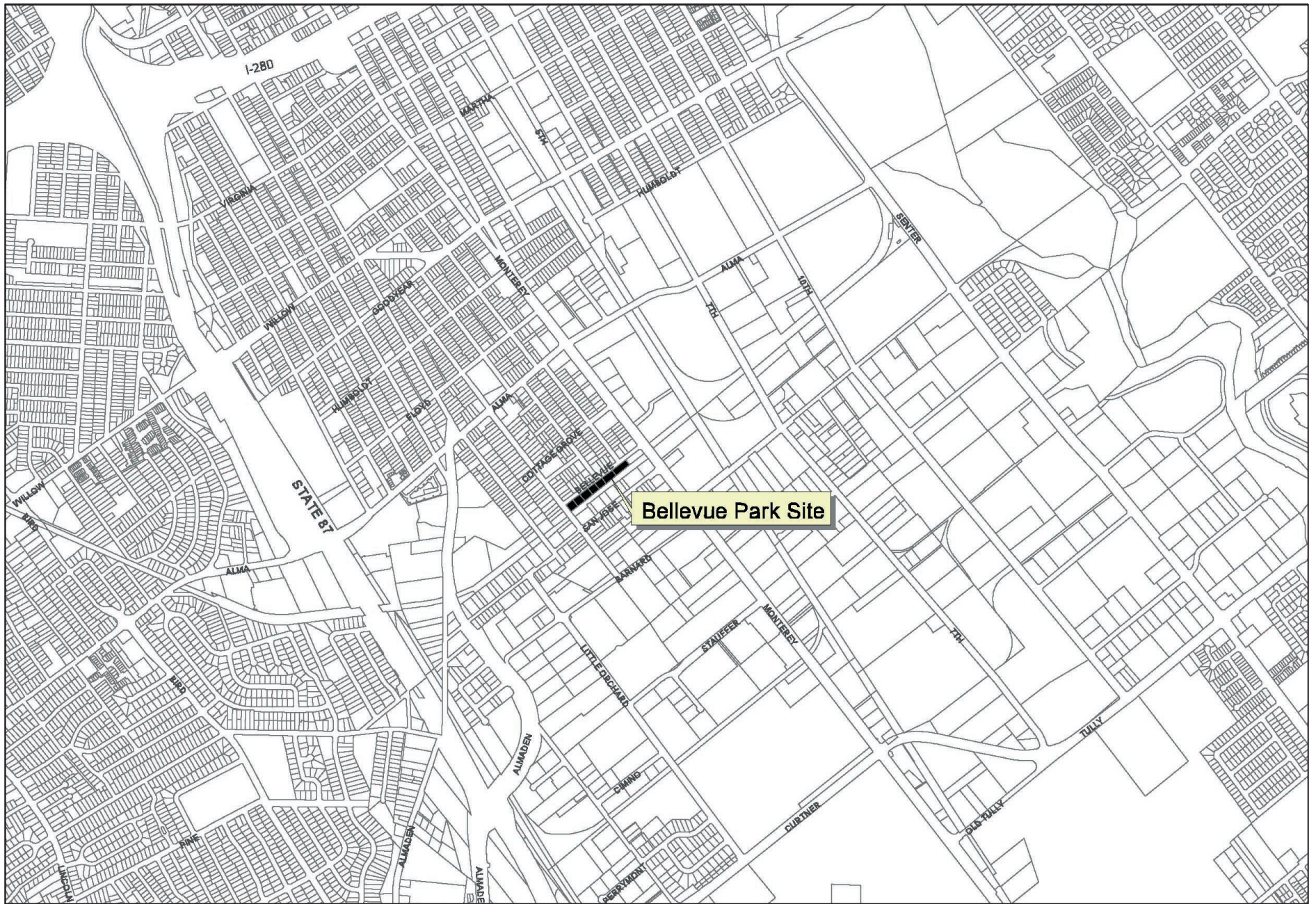
Project Objective

The proposed project would provide a place where families in the adjacent neighborhood can gather and play.

Project Characteristics

SJRA proposes to demolish existing warehouse and industrial buildings and to construct a day-use neighborhood park on Bellevue Avenue between Pomona Avenue and Monterey Highway. The property at 1611 Monterey Highway, on the corner of Bellevue Avenue and Monterey Highway, would remain in place.

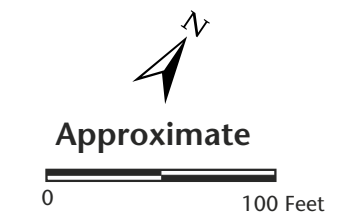
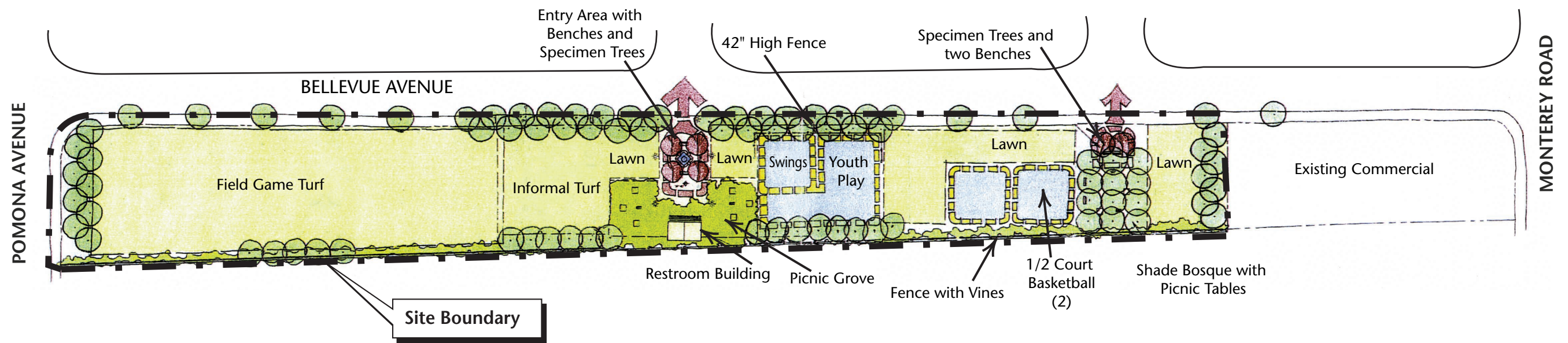
The project site consists of 76,000 square feet of land currently occupied by predominantly vacant warehouses (Figure 2). The proposed park would include fields, basketball courts, swings, a youth play area, picnic areas, and restrooms (Figure 3). In addition, the proposed project would include street improvements, such as sidewalks, curbs, gutters, street lighting, trees along the street, and asphalt/concrete paving. The irrigation system would be plumbed to accept recycled water in the future, pursuant to San Jose Municipal Code, Title 15, which states that, unless specifically exempted by the City's Director of Planning, irrigation systems for landscaped areas more than 10,000 square feet will be designed and installed to allow the current and future use of reclaimed water to the satisfaction of the City's Director of Public Works. No additional parking facilities would be constructed in conjunction with the proposed project, but parking would be available on the surrounding streets. The proposed project



030503.001



Figure 2
Project Site-Bellevue Avenue Park, San José, California



03050.03 001

Source: The Panning Collaborative

would include night lighting within the park for security purposes and a 6-foot-high fence to separate the park from the adjacent railroad tracks. Trees would be planted along the fence for screening purposes.

The site is designated and zoned light industrial in the San Jose 2020 General Plan and the San Jose Municipal Code. Surrounding land uses include light and heavy industrial, commercial, and single-family residential. Bellevue Park would be operated and maintained by City of San Jose Department of Parks, Recreation and Neighborhood Services.

Project Construction

Project Phasing

Completion of the proposed project is estimated to require approximately 180 days. The estimated date for construction initiation is September 1, 2003.

Equipment

The major construction equipment for the proposed project would include excavators and a back hoe. This heavy machinery would be used to grade and level the surface of the project site, trench for irrigation, and dig tree pits. Compaction would be necessary in the sidewalk and street areas; this is typically performed with a small piece of equipment operated by hand or, in some cases, a small roller. The contractor selected by the City to construct the park will decide which methods to use.

Required Approvals and Permits

As the state lead agency for the proposed project under CEQA, the City's Planning Division will consider whether to adopt this MND for the proposed project. The Planning Division will file a notice of determination with the County if it adopts the MND and approves the proposed project. All construction and construction staging would occur on SJRA-owned land. As such, no permission would be required from UPRR for use of its property.

Public Involvement

This IS/MND will be circulated for a 30-day public and agency review pursuant to State CEQA Guidelines Section 15105(b). After the close of the review period, public and agency comments will be evaluated and responses to comments prepared.

Chapter 3

Environmental Checklist

1. **Project Title:** Bellevue Avenue Park
2. **Lead Agency Name and Address:** City of San Jose Planning Division
50 West San Fernando Street, Suite 1100
San Jose, CA 95113
3. **Contact Person and Phone Number:** Jodie Clark
(408) 277-4576
4. **Project Location:** San Jose, Santa Clara County, California
3. **Project Sponsor:** Mary Jo McCully
(408) 794-1165
5. **Project Sponsor's Address:** City of San Jose Redevelopment Agency
50 West San Fernando Street, Suite 1100
San Jose, CA 95113
6. **General Plan Designation:** Light industrial
7. **Zoning:** Light industrial
8. **Description of Project:** The City of San Jose Redevelopment Agency proposes to demolish existing warehouse and industrial buildings and construct a day-use neighborhood park on Bellevue Avenue between Pomona Avenue and Monterey Highway. The park would include fields, basketball courts, swings, picnic areas, and restrooms. In addition, the project would include street improvements, such as sidewalks, curbs, gutters, street lighting, trees along the street, and asphalt/concrete paving.
9. **Surrounding Land Uses and Setting:** Light and heavy industrial, commercial, and single-family residential
10. **Other Public Agencies whose Approval Is Required:** City of San Jose

Environmental Factors Potentially Affected:

The environmental factors checked below would potentially be affected by this project (i.e., the project would involve at least one impact that is a “Potentially Significant Impact”), as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

Determination:

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have an impact on the environment that is “potentially significant” or “potentially significant unless mitigated” but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards and (2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

 Signature

 Date

 Printed Name

 For

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
I.	AESTHETICS. Would the project:				
a.	Have a substantial adverse effect on a scenic vista?	q	q	q	X
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?	q	q	q	X
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?	q	q	q	X
d.	Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	q	q	X	q

Setting

The primary land uses in the project area are residential, commercial, and light industrial. The project viewshed includes views of homes, commercial development, and warehouse buildings. Overall, views of the surrounding area from the project site can be characterized as predominantly urban or developed.

Discussion of Impacts

- a–b. There are no scenic routes, scenic vistas, or scenic resources located near the project area. The proposed project would not have an adverse effect on a scenic vista or damage scenic resources. In fact, the demolition of the existing one- and two-story buildings on the site would open views in all directions and potentially improve views that had been previously blocked. Therefore, there would be no impact.
- c. The existing visual character of the project site is predominantly that of a developed urban area. Implementation of the proposed project would improve the visual quality by removing industrial warehouses and replacing them with a park. This would be a beneficial effect.
- d. The project site is located in an urban area with residential uses to the north and light industrial and commercial uses to the east, west, and south. The primary nighttime light sources include streetlights and security lighting on surrounding buildings and residences. Approximately six streetlights are located along Bellevue Avenue from Pomona Avenue to Monterey Highway. The proposed project would be a day-use only park. However, it would include nighttime

security lighting and new streetlights, the location, number, design, and intensity of which have not yet been determined. If not properly designed and installed, light and glare from the project could be noticeable to the residences to the north. However, new lighting would be similar in intensity to nighttime lighting associated with the existing warehouse and industrial buildings on the site. In addition, all lighting shall conform to the City's lighting policy. As such, the impact on light and glare would be less than significant.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
II.	AGRICULTURAL RESOURCES. In determining whether impacts on agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation. Would the project:				
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	q	q	q	X
b.	Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?	q	q	q	X
c.	Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	q	q	q	X

Setting

As described under “Aesthetics,” land uses in the project area are primarily residential, commercial, and light industrial. There are no active agricultural areas in the vicinity of the project area.

Discussion of Impacts

- a–c. The project site is located in a previously developed area. The San Jose 2020 General Plan states that the city was built on prime soils, and most of the remaining undeveloped land on the valley floor is designated as prime farmland by the California Important Farmlands Inventory. The project site is currently developed and located within a developed area. As such, the proposed project would not convert or result in the conversion of any of these lands to nonagricultural uses. Therefore, the project would have no impact on agricultural resources.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
III.	AIR QUALITY. When available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a.	Conflict with or obstruct implementation of the applicable air quality plan?	q	q	q	X
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	q	q	X	q
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	q	q	X	q
d.	Expose sensitive receptors to substantial pollutant concentrations?	q	q	X	q
e.	Create objectionable odors affecting a substantial number of people?	q	q	q	X

Setting

Climate and Topography

The primary factors that determine air quality are the locations of air pollutant sources and the amount of pollutants emitted from those sources. Meteorological and topographical conditions are also important factors. Atmospheric conditions, such as wind speed, wind direction, and air temperature gradients, interact with the physical features of the landscape to determine the movement and dispersal of air pollutants.

The project site is located in the Santa Clara Valley, which is within the San Francisco Bay Area Air Basin (SFBAAB). The Santa Clara Valley is bounded by San Francisco Bay to the north and by mountains on the east, south, and west. Temperatures are typically warm on summer days and cool on summer nights, and winter temperatures are fairly mild. In the northern end of the valley, average maximum temperatures are usually in the low 80s °F during the summer and high 50s °F during the winter. The average minimum temperatures are

usually in the high 50s °F during summer and low 40s °F during winter. Temperature extremes are usually greater farther inland because the moderating effect of San Francisco Bay is not as pronounced.

The region is characterized by moderately wet winters and dry summers, with winter rains accounting for approximately 75% of the average annual rainfall. During rainy periods, pollution levels are usually low because of high occurrences of ventilation and vertical mixing.

The prevailing wind generally parallels the valley's northwest-southeast axis. During afternoon and early evening, a north-northwesterly sea breeze flows through the valley. During late evening and early morning, a light south-southwesterly drainage flow occurs. A "convergence zone" periodically forms in the southern end of the valley during summer as air from the Monterey Bay channels northward into the southern end of the valley and meets the prevailing north-northwesterly winds. Wind speeds are usually greatest during spring and summer, and weakest during fall and winter. Summer afternoons and evenings can be breezy, while nighttime and early morning hours are often calm.

Because of the physical and climatic characteristics of the valley, there is a high potential for air pollution. The high summer temperatures, stable air, and mountains surrounding the valley help to promote the formation of ozone. In addition, prevailing winds often blow pollution from neighboring San Francisco, San Mateo, and Alameda Counties into the valley. Further, during summer, when low level inversions form, ozone is often recirculated in the valley by late evening and early morning southerly drainage flows and afternoon prevailing northwesterlies. During winter, a similar effect occurs with carbon monoxide (CO) and particulate matter 10 microns or less in diameter (PM10).

Federal and State Standards

Air quality is measured by comparing contaminant levels in ambient air samples to national and state standards. These standards are set by the U.S. Environmental Protection Agency (EPA) and California Air Resources Board (CARB) at levels determined to be protective of public health and welfare with an adequate margin of safety. National ambient air quality standards (NAAQS) were first authorized by the federal Clean Air Act of 1970. California ambient air quality standards (CAAQS) were authorized by the state legislature in 1967. These standards are listed in Table 3-1. CAAQS describe adverse conditions; that is, pollution levels must be below these standards before a basin can attain the standard. NAAQS describe acceptable conditions. California standards are generally more stringent than the national standards. These standards specify the upper limits of concentrations and duration in the ambient air consistent with the management goal of preventing specific harmful effects.

There are national and state standards for the following criteria pollutants: ozone, CO, nitrogen dioxide, PM10, PM2.5, sulfur dioxide, and lead. BAAQMD also conducts monitoring for two other state standards: sulfate and visibility.

Table 3-1. Ambient Air Quality Standards Applicable in California

Pollutant	Symbol	Average Time	Standard (parts per million)		Standard (micrograms per cubic meter)		Violation Criteria	
			California	National	California	National	California	National
Ozone	O ₃	1 hour	0.09	0.12	180	235	If exceeded	If exceeded on more than 3 days in 3 years
		8 hours	—	0.08	—	157	—	If exceeded on more than 3 days in 3 years
Carbon monoxide	CO	8 hours	9.0	9	10,000	10,000	If exceeded	If exceeded on more than 1 day per year
		1 hour	20	35	23,000	40,000	If exceeded	If exceeded on more than 1 day per year
(Lake Tahoe only)		8 hours	6	—	7,000	—	If equaled or exceeded	—
Nitrogen dioxide	NO ₂	Annual average	—	0.053	—	100	—	If exceeded
		1 hour	0.25	—	470	—	If exceeded	
Sulfur dioxide	SO ₂	Annual average	—	0.03	—	80	—	If exceeded
		24 hours	0.04	0.14	105	365	If exceeded	If exceeded on more than 1 day per year
Hydrogen sulfide	H ₂ S	1 hour	0.25	—	655	—	—	—
		1 hour	0.03	—	42	—	If equaled or exceeded	—
Vinyl chloride	C ₂ H ₃ Cl	24 hours	0.010	—	26	—	If equaled or exceeded	—
Sulfate particles	SO ₄	24 hours	—	—	25	—	If equaled or exceeded	—
Inhalable particulate matter	PM10	Annual geometric mean	—	—	20	—	If exceeded	—
		Annual arithmetic mean	—	—	—	50	—	If exceeded
		24 hours	—	—	50	150	If exceeded	If average 1% over 3 years is exceeded
	PM2.5	Annual geometric mean	—	—	12	—	If exceeded	—
		Annual arithmetic mean	—	—	—	15	—	If exceeded
		24 hours	—	—	—	65	—	If average 2% over 3 years is exceeded

Table 3-1. Continued

Pollutant	Symbol	Average Time	Standard (parts per million)		Standard (micrograms per cubic meter)		Violation Criteria	
			California	National	California	National	California	National
Lead particles	Pb	Calendar quarter	—	—	—	1.5	—	If exceeded no more than 1 day per year
		30 days	—	—	1.5	—	If equaled or exceeded	—

Notes:
 All standards are based on measurements at 25°C and 1 atmosphere pressure.
 National standards shown are the primary (health effects) standards.
 — = not applicable.

California has also set standards for hydrogen sulfide and vinyl chloride, but these are not measured at any Bay Area Air Quality Management District (BAAQMD) monitoring stations because they are not considered a problem in the SFBAAB. Within the SFBAAB, BAAQMD is responsible for ensuring that these standards are not violated. BAAQMD develops and enforces air quality regulations for nonvehicular sources, issues permits, participates in air quality planning, and operates a regional air quality monitoring network.

Existing Pollutant Concentrations

Air quality monitoring data for the last 3 years are presented in Table 3-2. The closest monitoring station is located at Fourth Street in San Jose.

Table 3-2. Ambient Air Quality Monitoring Data from the San Jose Fourth Street Monitoring Station

Pollutant Standards	1999	2000	2001
Ozone			
Maximum 1-hour concentration (ppm)	0.109	0.073	0.105
Number of Days Standard Exceeded			
CAAQS 1-hour (>0.09 ppm)	3	0	2
NAAQS 1-hour (>0.12 ppm)	0	0	0
Carbon Monoxide			
Maximum 8-hour concentration (ppm)	6.28	7.03	5.09
Maximum 1-hour concentration (ppm)	9.0	8.9	7.6
Number of Days Standard Exceeded			
CAAQS 8-hour (≥ 9.0 ppm)	0	0	0
NAAQS 8-hour (≥ 9.0 ppm)	0	0	0
CAAQS 1-hour (≥ 20 ppm)	0	0	0
NAAQS 1-hour (≥ 35 ppm)	0	0	0
PM10			
Maximum 24-hour concentration ($\mu\text{g}/\text{m}^3$)	114.4	76.1	76.7
Second highest 24-hour concentration ($\mu\text{g}/\text{m}^3$)	63.7	67.8	70.8
Average geometric mean concentration ($\mu\text{g}/\text{m}^3$)	25	23	25
Average arithmetic mean concentration ($\mu\text{g}/\text{m}^3$)	28	26	28
Number of Days Standard Exceeded ^a			
CAAQS 24-hour (>50 $\mu\text{g}/\text{m}^3$)	30	42	24
NAAQS 24-hour (>150 $\mu\text{g}/\text{m}^3$)	0	0	0

^a Calculated exceedances based on measurements taken every 6 days.

ppm = parts per million

$\mu\text{g}/\text{m}^3$ = micrograms per cubic meter

Sources: California Air Resources Board 2003, U.S. Environmental Protection Agency 2003.

Regional Attainment Status

An area is considered in attainment if pollutant levels are below or equal to the standards continuously and exceed them no more than once each year. CARB has designated the SFBAAB as being in serious nonattainment for ozone and nonattainment for PM10. The SFBAAB is classified as being in attainment for CO. EPA has designated the SFBAAB as being in not classified/moderate/other attainment for ozone (2006 attainment deadline). EPA has designated the SFBAAB as being unclassified/attainment for PM10 and unclassified/attainment for CO.

Sensitive Receptors

Sensitive land uses are generally defined as locations where people reside or where the presence of air pollutant emissions could adversely affect the use of the land. Typical sensitive receptors include residents, school children, hospital patients, and the elderly. Sensitive land uses in the project area that could be affected by the proposed project include residential land uses located across Bellevue Avenue.

Thresholds of Significance (BAAQMD)

Construction

BAAQMD does not require quantification of construction emissions. Instead, it requires implementation of effective and comprehensive feasible control measures to reduce PM10 emissions (Bay Area Air Quality Management District 1999). PM10 emitted during construction activities varies greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, and weather conditions. Despite variability in emissions, experience has shown that there are a number of feasible control measures that can be reasonably implemented to reduce PM10 emissions during construction. These control measures are aimed at controlling PM10 emissions and are summarized in Table 3-3. According to BAAQMD, if all control measures indicated in Table 3-3 are implemented (as appropriate, depending on the size of the project area), air pollutant emissions from construction activities are considered less than significant (Bay Area Air Quality Management District 1999).

Table 3-3. BAAQMD Feasible Control Measures for Construction Emissions of PM10

Basic Control Measures: The following controls should be implemented at all construction sites.
<ul style="list-style-type: none"> Water all active construction areas at least twice daily. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard. Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
Enhanced Control Measures: The following measures should be implemented at construction sites greater than four acres in area.
<ul style="list-style-type: none"> Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.). Limit traffic speeds on unpaved roads to 15 miles per hour (mph). Install sandbags or other erosion control measures to prevent silt runoff to public roadways. Replant vegetation in disturbed areas as quickly as possible.
Optional Control Measures: The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors or which for any other reason may warrant additional emissions reductions.
<ul style="list-style-type: none"> Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site. Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas. Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. Limit the area subject to excavation, grading and other construction activity at any one time.
Source: Bay Area Air Quality Management District 1999

Construction equipment also emits CO and ozone precursors. Construction-related emissions of these pollutants were not estimated, however, because they are already included in the emission inventory that forms the basis for BAAQMD's regional air quality plans and because those emissions are not expected to impede attainment or maintenance of ozone and CO standards in the Bay Area (Bay Area Air Quality Management District 1999).

Operation

Operational emission thresholds are contained in the BAAQMD's CEQA guidelines (1999). The proposed project would result in a significant impact if it would result in either of the following.

- a net increase in pollutant emissions of 80 pounds per day (ppd) or 15 tons per year of reactive organic gases, oxides of nitrogen, or PM10; or
- a net increase in CO emissions exceeding 550 ppd, reduction of roadway level of service (LOS) of intersections operating at LOS E or F, reduction of intersection LOS to E or F, or increase in traffic volumes on nearby

roadways by 10% or more, and violation of state CO concentration standards as determined by the modeling of CO emissions. (For this analysis, the level of significance of CO emissions from mobile sources is determined by modeling the ambient CO concentration under project conditions and comparing the resultant 1- and 8-hour concentrations to the respective state CO standards of 20.0 and 9.0 parts per million)

Discussion of Impacts

Construction

As noted above, BAAQMD does not require quantification of construction emissions. Instead, it considers air pollutant emissions from construction activities less than significant if the control measures listed in Table 3-3 are implemented. Therefore, the control measures listed in Table 3-3 shall be incorporated as an environmental commitment for the proposed project.

Operation

- a. A project is deemed inconsistent with air quality plans if it would result in population and/or employment growth that exceed growth estimates included in the applicable air quality plan. Therefore, proposed projects need to be evaluated to determine whether they would generate population and employment growth and, if so, whether that growth would exceed the growth rates included in the relevant air plans. The proposed project is not a growth-inducing project. Consequently, there would be no impact.
- b–d. The proposed project is not a traffic-generating project and would not generate additional vehicle trips or vehicle miles traveled. Land uses such as parks are typically not sources of significant sources of operational air pollutants because they do not have any sources of air pollutants located onsite. General maintenance activities (i.e., landscaping and facility maintenance) requiring the use of internal combustion equipment would be required at the project site. However, because maintenance activities are typically periodic and short-term in nature, impacts associated with the use of landscaping and maintenance equipment is expected to be minimal. This impact is considered less than significant.
- e. The proposed project would not generate any objectionable odors. Consequently, there would be no impact.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
IV.	BIOLOGICAL RESOURCES. Would the project:				
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	q	q	q	X
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	q	q	q	X
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	q	q	q	X
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	q	q	q	X
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	q	q	q	X
f.	Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	q	q	q	X

Setting

The project site is located in a developed area of San Jose and is surrounded by residential, commercial, and industrial development. Metropolitan San Jose contains very little native habitat because of urbanization and development. As such, the area surrounding the project site supports mostly urban adapted species

of plants and animals. Project activities would be limited to existing warehouse and industrial buildings, which would be demolished to accommodate the development of the park. Because this is a previously developed site covered with asphalt, very little vegetation and wildlife habitat exists.

Live trees that, measured 2 feet above grade, measure 56 inches or more in circumference are considered ordinance trees in San Jose. As stated in San Jose Municipal Code Section 13.32.030, removal of such trees is allowed as long as a development permit and/or tree removal permit has been issued for them. In addition to ordinance trees, the City also maintains a list of heritage trees, which are trees identified as having historical significance to the city.

Discussion of Impacts

- a–c. As described above, there is no sensitive natural community on or in the immediate vicinity of the project site. The project site is not part of or adjacent to a riparian corridor or wetland. There are three medium-sized, mature trees and scattered small trees located on the perimeter of the existing buildings on the front portion of the site, along Bellevue Avenue, and at the rear of the site, along the UPRR right-of-way.

The trees are species common to the San Jose area and are not considered candidate, sensitive, or special-status species. Therefore, the proposed project would not result in the reduction of any candidate or special status species or their habitat as defined by the California Department of Fish and Game and U.S. Fish and Wildlife Service. The proposed project would not result in impacts on designated sensitive natural communities, riparian corridors, or wetlands.

- d. Development of the project site would not interfere with the movement of any native resident or migratory fish, wildlife species, or established wildlife corridors, or impede the use of native nursery sites. The project area contains minimal plant or animal resources because of its urban nature. The project site contains no known migration corridors, waterways, or native wildlife nurseries. It is possible that removal of the existing buildings on the site and the introduction of trees and other plants could have a beneficial effect on wildlife movement by opening up a previously developed area. As a result, no impact is expected on the migratory patterns of any native sensitive wildlife species.
- e. As discussed for a–c, all trees on the project site would be removed as a result of the proposed project. A tree survey of the site was conducted by a certified arborist (Table 3-4) (Bear pers. comm.).

Table 3-4. Results of Tree Survey

Tree	Species	Common Name	Trunk Diameter (inches)	Height (feet)	Health	Structure	Comments
1	<i>Ailanthus altissima</i>	Tree of Heaven	10	25	Fair	Fair	Girdled by fence; concrete up to trunk; root collar buried
2	<i>Ailanthus altissima</i>	Tree of Heaven	10	25	Fair	Poor	—
3	<i>Ailanthus altissima</i>	Tree of Heaven	10	30	Good	Fair	Girdled by fence
4	<i>Ailanthus altissima</i>	Tree of Heaven	10	25	Good	Fair	—
5	<i>Juglans nigra</i>	Black walnut	37	35	Fair	Fair	Concrete up to trunk
6	<i>Ailanthus altissima</i>	Tree of Heaven	Multiple trunks: 12, 13, 14, 15	35	Good	Fair	Guy cables embedded in tree; concrete up to trunk; leaning; good “climbing” tree
7	<i>Juglans nigra</i>	Black walnut	33	40	Good	Fair	Trunk wound (6 feet by 1 foot); potential hazard

The survey determined that there are two ordinance-sized black walnut (*Juglans nigra*) trees on the project site, five Trees-of-Heaven, and several Tree-of-Heaven saplings. None of the trees on the site is listed as a heritage tree. The proposed project would include the planting of approximately 70 trees of various sizes and include selections to comply with the mitigation measure criteria outlined below.

Mitigation Measure BIO-1: Replace Removed Trees

Each tree to be removed will be mitigated at the following ratios:

- Each tree less than 12 inches in diameter to be removed: one 15-gallon tree
- Each tree 12–18 inches in diameter to be removed = two 24-inch box trees
- Each tree greater than 18 inches in diameter to be removed = four 24-inch box trees. Trees greater than 18” diameter shall not be removed unless a tree removal permit has been approved for the removal of such trees.

The proposed project would not conflict with any local policies or ordinances protecting biological resources. There would be no impact.

- f. Current uses at the project site consist of industrial and warehouse buildings. Consequently, no habitat conservation plan, natural community conservation plan, or other conservation plan applies to the project site. A fully developed residential neighborhood and light industrial and commercial uses border the project site; as such, there is no designated conservation plan in the vicinity. The proposed project would have no impact on adopted conservation plans.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
V.	CULTURAL RESOURCES. Would the project:				
a.	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	q	q	q	X
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	q	X	q	q
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	q	q	X	q
d.	Disturb any human remains, including those interred outside of formal cemeteries?	q	X	q	q

Introduction and Methods

Jones & Stokes conducted a cultural resources study to assess the potential impacts of the proposed project on cultural resources within the project area. The efforts to locate cultural resources within the project area consisted of conducting a records search, conducting archival research, contacting potentially interested or knowledgeable parties, and conducting a field survey.

The project area consists primarily of early twentieth century industrial buildings with some modern (post-1953) industrial buildings. A mixture of modern commercial and historic single-family residences is located in the vicinity.

Records Search

On April 9, 2003, a records search was conducted at the Northwest Information Center at Sonoma State University. The search included information regarding previous studies and known resources in the project area and immediate vicinity, a search of the National Register of Historic Places and California Register of Historical Resources (CRHR), and historic topographic maps. Additional research took place at the California State Library; San Jose History Museum Archives; San Jose Public Library California Room; and the City's historic preservation office.

Field Methods

On April 16, 2003, Jones & Stokes architectural historians conducted a survey of the project area. The results of this survey are presented in a cultural resources report (Appendix A). As part of this survey, architectural resources in the project area were photographed and recorded through written documentation. Six buildings constructed before 1953 were identified as part of this survey.

A pedestrian survey for archaeological resources was not conducted because the project area is either built on or paved. The records search, historic maps and soil surveys were consulted to determine sensitivity for archaeological resources within the project area.

Setting

Prehistoric Period

Prehistorically, the south bay and inland areas near rivers such as the Guadalupe River, marshlands, and sloughs sustained relatively high prehistoric populations because these ecozones provided a multitude of marine and terrestrial resources. The Guadalupe River is a major drainage for the area and runs north, emptying into San Francisco Bay. The vicinity of the project area was once a network of marshes, sloughs and estuaries, and rivers and streams emptying into the bay. The valley floor was grassland extending to woodland in higher elevations. Prehistoric sites in the general project vicinity would have been situated to take advantage of nearby riverine, marshland, grassland, and woodland zones.

In the Bay Area, including Santa Clara Valley, prehistoric occupation was sparse and intermittent until the Lower Archaic Period (5000–3000 BC). The Upper Archaic (2000 BC–AD 300) marks an increased emphasis on vegetal resources, particularly hard seeds or acorns (Jones 1992). Social complexity seems to have increased during this time as well as evidenced by the establishment of year-round occupation sites (Jones 1992, Allen et al. 1999). Hildebrandt (1997) has also presented evidence that a late shift toward the use of inland over coastal resources occurred in the southern Santa Clara Valley.

During the Emergent Period, (AD 1500 to contact) an elaborate sociopolitical hierarchy was in place in the southern Bay Area. Each autonomous tribelet was joined into a complex system of exchange with other Costanoan tribelets and with tribes throughout northern and central California. Positions of status most likely emerged and items of trade such as the clamshell disc bead and *Olivella* beads took on value as markers of wealth and status (Allen et al. 1999).

Ethnographic Period

The first inhabitants of the coastal area from San Francisco to Monterey were the members of the Ohlone, or Costanoan, Native American language group. Although the Ohlone shared cultural and linguistic similarities, the tribe consisted of eight distinct politically autonomous linguistic groups. The Santa Clara Valley along the banks of the Guadalupe River and Coyote Creek was occupied by the Tamyen, or Tamien, group, made up of four or more triblets with their own territories within the valley. The natives congregated in rancherias, or concentrations of small villages that were related to each other by kinship ties (Archives and Architecture 1992).

These early people established their settlements near a dependable water source and other easily available subsistence needs. Inhabitants of the northern part of the valley were able to exploit the river and estuary environments, as well as nearby grasslands and oak woodlands, for fish, game, and vegetable materials. Temporary camps were also established in scattered locations to collect seasonal foodstuffs or materials that were not available locally.

The arrival of the first Spanish exploration parties marked the beginning of the end of the Ohlone lifestyle in Santa Clara Valley.

Historic Period

Spaniard Jose Ortega of the Portola Expedition explored the region as early as 1769. In 1777, Jose Joaquin Moraga and Fray Tomas de la Pefia established Mission Santa Clara on the west bank of the Guadalupe River. Within a year, El Pueblo de San Jose de Guadalupe was located on the river's east bank (Archives and Architecture 1992).

In 1822, Mexico assumed control of the region, and former mission lands were secularized. By 1845, the population of San Jose area was 900. One year later, the United States acquired the province of California through the Treaty of Guadalupe Hidalgo. The discovery of gold in the new territory accelerated California statehood. Statehood was achieved in 1850, with San Jose serving as the first state capital (Archives and Architecture 1992).

During the Gold Rush, San Jose served as the supply center for miners as they passed through the area. By 1864, as gold mining waned, the region was predominantly used for stock, sheep raising, and agriculture.

In 1869, the Central Pacific Railroad line was completed from San Jose to Niles, connecting San Jose with the transcontinental railroad. Development of the railroad led to increased population and agricultural developments. The capital was moved from San Jose in 1852, but the city exhibited steady growth through the following century. By 1950, 95,000 people resided in the city. Currently, the population stands at 925,000 (Archives and Architecture 1992).

Historical Development of the Project Area

During the eighteenth century, the project area was mostly unsettled and likely was used for cattle grazing. Historic maps indicate that several orchards were located in the project vicinity by the mid- to late-1800s. At that time, the project area was part of landholdings held by J. R. Beck and Dr. Berryman Bryant. (Thompson and West 1876:598).

By 1914, the project area was subdivided as part of the Bellevue and Cottage Grove subdivision tracts. The Bellevue and Cottage Grove tracts were designed primarily to provide housing for employees of nearby canneries (Sanborn Fire Insurance Company 1915, 1915–1950r; Arbuckle 1985:162; City of San Jose 1914; casadefruta.com 2003).

In 1917, the Western Pacific Railroad (WPRR) established a franchise in San Jose to construct a half-circle of railroad tracks in the city from 27th and Santa Clara Streets to The Alameda and Bush Street. The new alignment, which would compete with existing Southern Pacific Railroad lines in the city, was designed to serve the growing industrial and commercial businesses in the southern part of the city. The WPRR tracks were laid and in operation by 1921. Part the WPRR alignment was constructed just south of the project area, bisecting the subject block. UPRR acquired the line in 1982. (Arbuckle 1985:111–112; Robertson 1998:299.)

In the mid-1920s, the project area consisted primarily of single-family residences. However, the construction of the WPRR line encouraged the establishment of businesses on the block. By 1924, Earle K. Sheldon had constructed a grain warehouse on the block. Within 2 years, Fritz A. Linquist acquired property on the block and opened the Linquist Grain Company. By the 1930s, Walter G. Braine had established the W. G. Braine Building Material business. (Sawyer 1922:1214, 1647; City of San Jose 1924, 1926, 1935.)

Few changes occurred on the block during the Great Depression and World War II years. During this period, the Thoeny family acquired several parcels in the project area. In addition to leasing out their property, the Thoenys operated successful building warehouse and manufactured tool businesses on the block. (City of San Jose 1928, 1935, 1939; Thoeny pers. comm.)

After World War II, the Linquist and Thoeny families retained ownership of much of the project area with a portion (northeast corner) held as a railroad right-of-way by WPRR. At some point in the 1940s, Linquist leased the warehouse at 50 Bellevue Avenue to Sears, Roebuck & Company to use as a distribution center for the company's store located at 350 First Street. Sears maintained use of the warehouse until the mid-1950s. (City of San Jose 1945, 1960, 1965; Thoeny pers. comm.)

By the mid-twentieth century, the entire block was industrial and commercial. Currently, the buildings in the project area are owned by SJRA and are vacant or used for storage. (City of San Jose 1955, 1970; Thoeny pers. comm.)

Discussion of Impacts

- a. As described above, the effort to identify architectural resources in the project area included an intensive survey. As part of this survey, six architectural resources constructed in or before 1953 were identified. The buildings were evaluated for CRHR eligibility as historical resources. None appears to meet the criteria for listing in the CRHR. The proposed project would involve the demolition of the buildings located in the project area. Therefore, the proposed project would not result in an impact on any resources located in the project area. It should also be noted that although the subject block is directly adjacent to a subdivision of early twentieth century housing, the nearby construction of several modern commercial and light industrial buildings has largely compromised the historic character in the subject area.
- b. The effort to identify archaeological resources and sensitivity within the project area consisted of conducting a records search, and consulting historic maps and soil surveys for the project area. The records search indicated that there are no previously recorded archaeological resources within the project area. A foundation at 100 Bellevue Avenue was recorded with the associated structures as a result of this study. A large prehistoric habitation and occupation site (CA-SCI-4) is located within 0.5 mile of the project area. Burials have been recovered from nearby areas, and hearths were noted at a depth of 10 feet below the surface. The proximity of this archaeological site along a major watercourse makes this area sensitive for deeply buried prehistoric resources that may have escaped disturbance by historic development. In addition, use of the project area as an early twentieth century residential district indicates moderate to high sensitivity for the presence of historic archaeological resources, although later commercial development may have significantly altered the condition and integrity of such sites.

Although the project description prescribes ground-disturbing activity (grading) not to exceed 2 feet in depth, it is possible that historic archaeological resources (e.g., trash deposits, hollow-filled features) may be found close to the surface. Historic archaeological sites from the early twentieth century have the potential to address archaeological research issues, and may therefore be important for purposes of CEQA. Any impact on these resources would be considered significant. These impacts can be reduced to a less-than-significant level by implementing the mitigation measures outlined below.

Mitigation Measure CR-1: Employ Archaeological Monitor during Ground Disturbance

Because the project area is sensitive for buried cultural resources, a qualified archaeological monitor will be present during all ground-disturbing construction. The monitor and construction crew will be equipped with a monitoring plan that details the roles and responsibilities of the monitor and the construction crew.

Mitigation Measure CR-2: Stop Work if Buried Resources Are Discovered Inadvertently

If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are discovered inadvertently during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City and other appropriate agencies.

If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Santa Clara County coroner has been informed and has determined that no investigation of the cause of death is required. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (California Public Resources Code 5097).

- c. Based on a paleontological assessment that was conducted for a similar geomorphic setting in the San Jose area that found no paleontological resources, it is likely that no such resources are located in the project area. In addition, past ground disturbance, the nature of the sediment, and the fact that subsurface disturbance for the project would not exceed four feet contributes to the low likelihood of finding fossils.
- d. There are no known human remains within the project area. However, if any human remains should be uncovered during construction, a potentially significant impact could result. Implementation of Mitigation Measure CR-2 would reduce this impact to a less-than-significant level.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
VI. GEOLOGY AND SOILS. Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	q	q	q	X
2. Strong seismic groundshaking?	q	q	X	q
3. Seismic-related ground failure, including liquefaction?	q	q	X	q
4. Landslides?	q	q	X	q
b. Result in substantial soil erosion or the loss of topsoil?	q	q	X	q
c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	q	q	X	q
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	q	q	X	q
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?	q	q	q	X

Setting

San Jose is located southeast of San Francisco Bay in the Santa Clara Valley, a relatively flat plain that slopes gently toward the bay from the base of the foothills of the Diablo Range and the Santa Cruz Mountains. The Santa Clara Valley is located between the San Andreas fault zone (to the south and west) and

the Hayward and Calaveras fault zones (to the east), considered the most significant regional fault zones in the southern Bay Area. Local active and potentially active faults in the Santa Clara Valley include the Silver Creek, Evergreen, Quimby, Crosley, Berryessa, Arroyo Aguague, Clayton, Animas, Coyote Creek, Piercy, Sergeant, Shannon, and Coyote Peak faults.

Soils in the project area are generally of the Yolo association, which is characterized by moderately well to somewhat excessively drained, medium to fine textured soils developed in medium textured sedimentary alluvium. Yolo soils have grayish-brown loam and silty clay loam surface soils, and brown silty loam and clay loam subsoils. Flooding and erosion are generally not problems on these soils.

Discussion of Impacts

- a, c. The proposed project would not expose people to substantial adverse risks related to loss, injury or death because the proposed project does not include the construction of aboveground structures, except for a small building for restrooms. The project site is not located in an Alquist-Priolo Earthquake Fault Zone for fault rupture hazard, and there are no recognized faults within the project area, so the potential for fault rupture is considered low. In addition, the proposed project would not involve deep earthmoving activities that could contribute to or trigger fault rupture. Because the project area is within a seismically active region and because there are at least three major faults within 12 miles, the project area would be subject to strong earthquake-induced ground shaking. This impact is considered less than significant.

The project area is composed of soils that have moderate to high risk for liquefaction. A moderate seismic event would need to occur for liquefaction to affect the project area. The closest major active fault is approximately 5 miles away. The project is not located within the City's Geohazard Zone. Therefore, the risk of this geologic hazard is moderate. The proposed project would not involve the construction of large buildings or structures that would expose people to potential substantial adverse effects associated with seismic groundshaking or liquefaction. This impact is considered less than significant.

The project site is located on flat terrain in an area where slopes do not exceed 3%. Because landslides are unlikely where slopes are less than 15%, this impact is considered less than significant.

- b. The project site is characterized at present by warehouse and industrial buildings on relatively level ground. Very little exposed topsoil exists on the project site, but some localized soil erosion could occur during construction of the park. Nevertheless, the site is generally level and there are no nearby surface water sources. The lack of nearby surface water sources in the vicinity of the site reduces the proposed project's potential impacts pertaining to erosion and subsequent sedimentation. The potential of the proposed project to increase erosion or sedimentation would be addressed with standard best management

practices (BMPs) described under “Hydrology and Water Quality” during construction activities as well as the mitigation measures specified for air quality impacts. Therefore, this impact would be less than significant.

- d. Most soils in the project area are identified as moderately expansive with moderate shrink-swell potential. In accordance with Uniform Building Code (UBC) standards, expansive soils are required to be removed and replaced with suitable materials as part of site preparation. A soil study would be submitted as part of the building permit application and would determine the extent of the moderately expansive soils at the site. Adherence to the UBC standards would reduce any potential impact to a less-than-significant level.
- e. The proposed project would not include the use of alternative wastewater disposal systems or septic tanks. As such, there would be no impact on alternative wastewater systems.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
VII.	HAZARDS AND HAZARDOUS MATERIALS.				
	Would the project:				
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	q	q	q	X
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	q	X	q	q
c.	Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	q	q	q	X
d.	Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	q	q	q	X
e.	Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area?	q	q	q	X
f.	Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area?	q	q	q	X
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	q	q	q	X
h.	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	q	q	q	X

Setting

This section discusses the findings of the summary letter for soil and groundwater sampling by SCS Engineers (2003) (Appendix B). The letter reviews initial sampling conducted in April and September 2001 by SCS with the help of a Phase I Environmental Site Assessment by Kleinfelder (2000) (Appendix C), and later sampling done by Baseline Environmental Consulting.

The April 2001 sampling found limited diesel-range hydrocarbons in one groundwater sample; chloroform and MBK at levels well below Risk-Based Screening Levels (RBSLs); and a green substance at one sample location at a depth of approximately 18 feet below ground surface. The green substance was absent during the September 2001 investigation. During the March 2003 investigation by Baseline Environmental Consulting, soil samples obtained from the eastern portion of the site contained TPH-d, MTBE, cadmium, and lead at concentrations slightly exceeding residential RBSLs. In addition, shallow composite soil samples collected throughout the project site contained cadmium at concentrations that slightly exceeded residential RBSLs.

Removal of the compounds exceeding the residential RBSLs is not always necessary or required. The summary letter recommended completion of a focused risk assessment to evaluate the potential health risks associated with compounds detected on the site that exceed the residential RBSLs. In addition, if affected soils are removed from the site, appropriate worker health and safety protocol should be followed and appropriate disposal and transportation methods should be used.

Discussion of Impacts

- a. The proposed project would not involve the routine transport, use, or storage of hazardous materials; emit hazardous emissions; or involve handling hazardous or acutely hazardous materials, substances, or waste. There would be no impact.
- b. As described above, soils at the project site contain compounds that slightly exceed residential RBSLs. Exposure of workers or residents to hazardous wastes or material during construction is considered a significant impact because of the possible threat to human health. However, implementation of the following mitigation measures would reduce this impact to a less-than-significant-level.

Mitigation Measure HAZ-1: Prepare a Risk Assessment

A risk assessment will be prepared and procedures established before construction to address the identification, excavation, handling, and disposal of hazardous materials. If contaminated soil or groundwater is encountered, SJRA will notify the appropriate local environmental management agencies (including, but not limited to, Gary Lynch of the Environmental Services Department) and local fire departments. SJRA will ensure that any identified environmental site conditions that may represent a risk to public health and safety will be

remediated in accordance with federal, state, and local environmental laws and regulations. All recommendations in the risk assessment, including removal of contaminated soil and other mitigation of contaminated soil, will be implemented by SJRA and all its representatives, including contractors and earthwork construction workers, such that people are not exposed to an environmental condition on the project site as a result of an existing sources of contamination.

Mitigation Measure HAZ-2: Control Contamination Resulting from Previously Unidentified Hazardous Waste Materials

In the event that previously unidentified waste or debris is discovered during construction/grading activities, and the waste or debris is believed to include hazardous waste or materials, the contractor shall immediately stop work in the vicinity of the suspected contaminant, remove workers and the public from the area, notify the resident inspector, secure the area as directed by the resident inspector, and notify the City of San Jose Hazardous Waste/Materials Coordinator and San Jose Fire Department.

- c. The proposed project would not involve hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste. The park would involve outdoor recreation activities that would not use or depend on hazardous materials or substances. In addition, there are no schools within 0.25 mile of the project site; the nearest is approximately 0.75 mile from the site. As such, there would be no impact.
- d. According to the Vista database search conducted by Kleinfelder for the Phase I Environmental Site Assessment, the project site is not listed on any federal or state hazardous materials sites lists. However, an adjacent site at 120 San Jose Avenue (Transon Auto Body Repair), was identified as having a 120-gallon concrete waste-oil tank onsite. The assessment did not report whether this tank was aboveground or belowground. Because the project site does not occur on a list of hazardous materials sites, it would not create a significant hazard to the public or the environment. No impact is expected.
- e-f. The project site is located approximately 2–3 miles from San Jose International Airport. The proposed project would involve the demolition of warehouse buildings and the development of a public park. As such, it would not conflict with an airport land use plan, operation of nearby airports, or pose a safety hazard to people living or working in the project area. There would be no impact.
- g. The proposed project would not involve street closures or interfere with any emergency response or evacuation plans. The City of San Jose Emergency Plan includes evacuation procedures but does not delineate evacuation routes. Instead, procedures are outlined for different types of emergencies occurring in different locations of San Jose. Therefore, there would be no impact.

The project site is located in a previously developed area, and not near any wildland areas. The closest wildland/open space area is the Coyote Creek park chain, a narrow swath along Coyote Creek located approximately 1 mile from the project site, which is surrounded on all sides by developed land. As a result, the

proposed project would not expose people or property to wildland fires. No impact is expected.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY.					
	Would the project:				
a.	Violate any water quality standards or waste discharge requirements?	q	X	q	q
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	q	q	q	X
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation onsite or offsite?	q	q	q	X
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite?	q	q	q	X
e.	Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	q	q	q	X
f.	Otherwise substantially degrade water quality?	q	X	q	q
g.	Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	q	q	q	X
h.	Place within a 100-year flood hazard area structures that would impede or redirect floodflows?	q	q	q	X
i.	Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	q	q	q	X

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
j.	Contribute to inundation by seiche, tsunami, or mudflow?	q	q	q	X

Setting

Federal Regulations

Hydrology

The Federal Emergency Management Plan (FEMA) administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities complying with FEMA regulations that limit development in floodplains. FEMA issues flood insurance rate maps for communities participating in the NFIP. These maps delineate flood hazard zones in the community.

Executive Order 11988 (Floodplain Management) addresses floodplain issues related to public safety, conservation, and economics. It requires:

- avoidance of incompatible floodplain development,
- consistency with the standards and criteria of the NFIP, and
- restoration and preservation of the natural and beneficial floodplain values.

Water Quality

EPA has primarily an oversight role for implementation of provisions of the federal Clean Water Act (CWA) by the State Water Resources Control Board and applicable Regional Water Quality Control Boards (RWQCBs).

State Regulations

Hydrology

The municipalities of Santa Clara County manage stormwater and flood protection improvement programs pursuant to city municipal code ordinances. In general, new developments must ensure that the rate of offsite stormwater runoff

from construction of impervious surfaces does not increase impacts on downstream properties.

Water Quality

Beneficial uses and water quality objectives for surface water and groundwater resources in San Jose are established in the water quality control plan of the San Francisco Bay RWQCB as mandated by the state Porter-Cologne Act and CWA. The San Francisco Bay RWQCB also implements the CWA Section 303(d) total maximum daily load (TMDL) process, which consists of identifying candidate water bodies where water quality is impaired by the presence of pollutants. The TMDL process is implemented to determine the assimilative capacity of the water body for the pollutants of concern and to establish equitable allocation of allowable pollutant loading within the watershed.

The San Francisco Bay RWQCB primarily implements basin plan policies through issuing waste discharge requirements for waste discharges to land and water. It is also responsible for administering the National Pollutant Discharge Elimination System (NPDES) permit program, which is designed to manage and monitor point and nonpoint source pollution. NPDES stormwater permits for general construction activity are required for projects that disturb more than 5 acres of land. Municipal stormwater permits are required for urban areas with populations of more than 100,000.

The general NPDES stormwater permits for general construction activities require the applicant to file a notice of intent to discharge stormwater with the San Francisco Bay RWQCB and to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP would include a site map, description of stormwater discharge activities, and BMPs that will be used to control soil erosion and discharges of other construction-related pollutants (e.g. petroleum products, solvents, paints, cement) that could contaminate nearby water resources. It must demonstrate compliance with local and regional erosion and sediment control standards, identify responsible parties, provide a detailed construction timeline, and implement a BMP monitoring and maintenance schedule.

Discussion of Impacts

- a, f. Excavation and construction-related runoff could contain soil and other pollutants that could contribute to reduced water quality in local water bodies. Construction equipment would use toxic chemicals (e.g., gasoline, oils, grease, lubricants, and other petroleum-based products) that could be released accidentally. This impact is considered significant. However, implementation of the following mitigation measures would reduce this impact to a less-than-significant level.

Mitigation Measure WQ-1: Implement Best Management Practices to Control Discharge of Construction-Related Pollutants to Surface Waters

The contractor will implement all BMPs listed in the prepared SWPPP during construction activities. These BMPs could include the following:

- Roads used during construction shall be continuously swept and cleaned of accumulated earth during project construction.
- Excavated materials deposited or stored onsite temporarily shall not be placed in or adjacent to open water channels and shall be wetted and covered as necessary to prevent runoff and erosion.
- Oils, fuels, and other toxicants spilled or deposited near the project site shall be removed and disposed of according to applicable laws and regulations.
- Project construction shall be conducted during the dry season.

Some of these BMPs are likely to be included in the SWPPP, but the SWPPP would also contain more detailed and prescriptive practices to be implemented during the construction period.

Mitigation Measure WQ-2: Develop a Hazardous Materials Management Plan

As required by the SWPPP, the project proponent will develop and implement a hazardous materials management plan to reduce the likelihood of spills of toxic chemicals or other hazardous materials during construction. A specific protocol for the proper handling and disposal of materials used or produced onsite will be established before beginning construction and will be strictly enforced by the project proponent.

- b. Groundwater conditions would not be altered by the construction of the proposed project. The proposed project would not use groundwater at the project site for irrigation, restrooms, and drinking fountains, but rather existing city water sources provided by San Jose Water Company. It is expected that excavation for the proposed project would not encounter groundwater at the project site, based on the geotechnical exploration performed for the proposed project, which found groundwater at varying depths approximately 15–24 feet below ground surface. The proposed project would require excavation to depths no more than 6 feet, and therefore would not be expected to encounter groundwater. Consequently, no impact on groundwater resources is expected.
- c–e. Runoff from the existing development at the project site is currently accommodated by the existing city storm drainage system, and the proposed project is expected to use the drainage system as well. The Washington Neighborhood Revitalization Plan indicates that Bellevue Avenue is one of several streets in the Washington area that suffers from reoccurring drainage problems. Standing water accumulates in gutters along the street, caused by a lack of gutters and adequate drains along the south side of the road. The proposed project would include the construction of new curbs, gutters, and sidewalks, thereby improving drainage along the street. Implementation of the

proposed project would also alter the existing drainage pattern. It would reduce the amount of impervious surfaces and would be expected to absorb increased runoff during a storm. In doing so, the proposed project would reduce the runoff currently experienced at the site. As such, it would not create or contribute to a permanent increase in the amount of runoff to stormwater drainage systems or sources of polluted runoff. There would be no impact.

- g-j. The project site is within the 100-year flood zone of the Guadalupe River. However, the proposed project would not include the construction of housing, and therefore would not place housing within a 100-year flood hazard area and would not build structures that would impede or redirect floodflows. The threat of flooding or inundation by dam failure, tsunamis, mudflows or landslides is considered to be absent at the project site. There would be no impact.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
IX.	LAND USE AND PLANNING. Would the project:				
a.	Physically divide an established community?	q	q	q	X
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	q	X	q	q
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?	q	q	q	X

Setting

The primary land uses in the project area are residential, commercial, and light industrial. Monterey Highway to the east is predominantly commercial, while the areas north and west of the site are residential. Light industrial and warehouse uses lie south of the project site.

Discussion of Impacts

- a. The proposed project would be located in developed area surrounded by residential and industrial uses, and would not contribute to the physical division of a community. The proposed project would not physically restrict movement through or around the area. In fact, it is possible that removal of the existing buildings and introduction of a park would improve pedestrian circulation in the surrounding area. As such, the proposed project would have no impact with respect to division of an established community.
- b. The proposed project would be inconsistent with the current zoning and land use designation of the site (light industrial). Recreational uses are not permitted on land designated for light industrial use. This impact is considered significant but can be reduced to a less-than-significant level with the implementation of the following mitigation measure.

Mitigation Measure LU-1: Change Land Use Designation and Zoning of the Project Site to Accommodate Park Use

Both the San Jose 2020 General Plan and San Jose Municipal Code would need to be amended to accommodate the change in land use. The project site would need to be redesignated from Light Industrial to Public Park/Open Space in the general plan and rezoned from Light Industrial to Open Space in the municipal code.

- c. As discussed under “Biological Resources,” the proposed project would not conflict with any habitat conservation plan or natural community conservation plan.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
X.	MINERAL RESOURCES. Would the project:				
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	q	q	q	X
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	q	q	q	X

Setting

The “Natural Resources” section of the San Jose 2020 General Plan states that the Communications Hill area, approximately 1–2 miles from the project site, is the only area in San Jose known to contain mineral deposits of regional significance. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San Jose as containing mineral deposits that are either of statewide significance or of significance that requires further evaluation.

Discussion of Impacts

- a–b. As stated above, the project site is not in a Mineral Resource Zone (areas where significant or potentially significant mineral deposits exist or potentially exist), and there are no Aggregate Resource Sectors in the immediate vicinity. Therefore, the proposed project would have no impact on mineral resources.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
XI. NOISE.	Would the project:				
a.	Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?	q	X	q	q
b.	Expose persons to or generate excessive groundborne vibration or groundborne noise levels?	q	q	X	q
c.	Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	q	q	X	q
d.	Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	q	X	q	q
e.	Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?	q	q	q	X
f.	Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?	q	q	q	X

Setting

Existing Conditions

The existing noise environment in the project area is dominated by noise from vehicular traffic traveling on State Route (SR) 87, activities from the surrounding commercial and industrial land uses, and rail noise from the surrounding UPRR lines. Based on experience with similar settings, it is assumed that existing noise levels in the project area are in the range of 60–70 decibels (day-night average) (dB-L_{dn}).

Sensitive Receptors

Noise-sensitive land uses are generally defined as locations where people reside or locations where the presence of unwanted sound could adversely affect the use of the land. Noise-sensitive land uses typically include residences, hospitals, schools, libraries, and certain types of recreational uses. Noise-sensitive land uses in the project area that could be affected by the proposed project include residential land uses located across Bellevue Avenue.

Regulatory Setting

Noise standards in San Jose are defined in the noise guidelines contained in the Hazards Element of the San Jose 2020 General Plan. The City currently does not have a noise ordinance. The following is a brief discussion of each as they apply to the proposed project.

San Jose 2020 General Plan Noise Guidelines

Noise compatibility assessments for projects within San Jose are evaluated under the San Jose 2020 General Plan Noise Guidelines. The goal of the guidelines is to “minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.” Using L_{dn} levels as the standard, the guidelines identify ranges of noise levels deemed compatible with land uses within the city. The guidelines for residential areas and public parks, for example, are more restrictive than for industrial areas.

The noise guidelines are derived from federal and state legislation and recommendations. The general plan identifies EPA’s standard of 55 L_{dn} for a desirable maximum outdoor noise level as a long-range goal. However, noise studies have shown that a short-range goal of 60 L_{dn} is more realistic for most of the city, given existing noise levels. The general plan also acknowledges that, for areas along major roadways, the short-range goal of 55 L_{dn} and long-range goal of 60 L_{dn} may be unobtainable in the foreseeable future. The noise guideline of 45 L_{dn} for indoor noise is patterned after the state standard and applies to interior noise levels when windows are closed. Closed windows typically reduce L_{dn} by 20–25 dB, assuming standard construction.

The noise guidelines address means of reducing noise generation in the future and mitigating noise impacts on residential and other sensitive land uses. The guidelines also outline procedures to be followed when new development is proposed in areas of the city where noise levels exceed the “satisfactory” guideline.

An exterior level of 60 dBA- L_{dn} is considered satisfactory for parks and playgrounds, and an exterior limit of 70 dBA- L_{dn} is considered satisfactory for

industrial uses. For parks and playgrounds, the general plan guidelines indicate that noise as high as 70 dBA- L_{dn} is acceptable as the standard.

Other Relevant Criteria

The California Department of Health's Office of Noise Control published a model noise ordinance in 1977. This model provides recommended limits on noise generated by construction noise sources. These limits are summarized in Table 3-5.

Table 3-5. Office of Noise Control Construction Noise Limits

Time of Day	Single-Family Residential		Multifamily Residential		Semiresidential/ Commercial	
	Duration < 10 days	Duration ≥ 10 days	Duration < 10 days	Duration ≥ 10 days	Duration < 10 days	Duration ≥ 10 days
Daily, except Sundays and legal holidays, 7 a.m. to 7 p.m.	75 dBA	60 dBA	80 dBA	65 dBA	85 dBA	70 dBA
Daily, 7 p.m. to 7 a.m., and all day Sunday and legal holidays	60 dBA	50 dBA	65 dBA	5 dBA	70 dBA	60 dBA

Source: Office of Noise Control 1977.

Assumptions and Methodology

This section addresses construction and operational noise impacts and noise impacts associated with activity on the nearby UPRR lines. Based on San Jose 2020 General Plan Noise Guidelines and the other relevant standards discussed above, the following thresholds of significance have been developed for the proposed project. Noise from construction activity is considered significant if it would exceed:

- 75 dBA at noise sensitive uses between 7:00 a.m. and 7:00 p.m. for activity lasting 10 days or less,
- 60 dBA at noise sensitive uses between 7:00 p.m. and 7:00 a.m. for activity lasting 10 days or less,
- 60 dBA at noise sensitive uses between 7:00 a.m. and 7:00 p.m. for activity lasting more than 10 days,
- 50 dBA at noise sensitive uses between 7:00 p.m. and 7:00 a.m. for activity lasting more than 10 days,
- the ambient noise level at noise sensitive uses by 5 dB or more at anytime,
- noise from use of the park facilities would exceed the ambient noise level by 5 dB or more at any time, or

- expose the park and its users to noise levels in excess of 70 dBA- L_{dn} .

Discussion of Impacts

- a. **Construction noise:** Construction activities would be a source of noise associated with the proposed project. Noise from construction activities includes noise from demolition, grading, and other construction activities. Construction noise results from machinery and equipment used in the construction process. Construction activities would include demolition of the existing buildings and facilities. Demolition activities will be temporary and not anticipated to last for more than 10 days. Once demolition activities have ceased, noise from demolition activities will cease.

An inventory of anticipated construction equipment that will be used for construction is provided in Table 3-6, as well as the typical noise levels produced by this equipment. Construction noise levels would be range from 80–88 dBA at a distance of 50 feet. Construction noise is typically reduced at a rate of about 6 dB per doubling of distance from the source.

Table 3-6. Construction Equipment Noise Emission Levels

Equipment	Typical Noise Level (dBA) 50 feet from Source
Backhoe	80
Excavator	83
Loader	85
Haul Truck	88
Source: Federal Transit Administration 1995.	

A reasonable worst-case assumption is that the three loudest pieces of equipment (haul truck, excavator, and loader) will operate simultaneously and continuously for at least a 1-hour period. At 50 feet from the source, the combined sound level would be 91 dBA. Table 3-7 summarizes predicted noise levels at various distances from an active construction site, assuming this combined source level. Point-source attenuation of 6 dB per doubling of distance, as well as molecular absorption of 0.7 dB per 1,000 feet and anomalous excess attenuation of 1 dB per 1,000 feet, are also assumed (Hoover and Keith 1996).

Table 3-7. Estimated Construction Noise in the Vicinity of an Active Construction Site

Distance to Receptor (feet)	Sound Level at Receptor (dBA)
50	91
100	85
200	79
400	72
600	68
800	66
1,000	63
1,500	59
2,000	56
2,500	53
3,000	50
4,000	46
5,280	42
7,500	35

The following assumptions were made:

- Basic sound level drop-off rate: 6.0 dB per doubling of distance.
- Molecular absorption coefficient: 0.7 dB per 1,000 feet.
- Anomalous excess attenuation: 1.0 dB per 1,000 feet.
- Reference sound level: 91 dBA.
- Distance for reference sound level: 50 feet.

Notes: This calculation does not include the effects, if any, of local shielding, which may reduce sound levels further. Estimates are based on Jones & Stokes' calculations for a haul truck, excavator, and loader.

The results indicate that, for construction activity lasting 10 days or less, the daytime threshold of 75 dBA could be exceeded at noise-sensitive land uses within about 300 feet of construction activities, and the 60-dBA nighttime threshold could be exceeded at noise-sensitive land uses within about 1,500 feet. For construction activity lasting more than 10 days, the daytime threshold of 60 dBA could be exceeded at noise-sensitive land uses within about 1,500 feet of construction activities, and the 50-dBA nighttime threshold could be exceeded at noise-sensitive land uses within about 3,000 feet. A significant impact could occur where noise-sensitive land uses are located within the distances indicated above from construction activities. However, implementation of the following mitigation measures would reduce this impact to a less-than-significant level.

Mitigation Measure N-1: Employ Noise-Reducing Construction Practices

To reduce the noise effects from project construction, the following measures will be implemented during all construction on the site:

- Construction activity will be restricted to between 7:00 a.m. and 7:00 p.m., Monday through Friday, for any work with 500 feet of any residential unit. No construction activities will occur on Sundays or holidays.

- Weekend construction hours, including staging of vehicles, equipment, and construction materials, will be limited to Saturdays between the hours of 9:00 a.m. to 5:00 p.m. Permitted work activities will be conducted exclusively within the interior of enclosed building structures, provided that such activities are inaudible to existing adjacent residential uses. Exterior generators, water pumps, compressors, and idling trucks will not be permitted. The developer will be responsible for educating all contractors and subcontractors of these construction restrictions. Rules and regulations pertaining to all construction activities and limitations, along with the name and telephone number of a contractor-appointed disturbance coordinator, will be posted in a prominent location at the entrance to the job site.
- Solid plywood fences will be constructed around construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- All internal combustion engine-driven equipment will be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Stationary noise generating equipment, such as air compressors and portable power generators, will be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
- Unnecessary idling of internal combustion engines will be prohibited.
- Businesses, residences, and other noise-sensitive land uses adjacent to construction sites will be notified of the construction schedule in writing.
- A “noise disturbance coordinator” responsible for responding to any local complaints about construction noise will be designated. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, faulty muffler) and institute reasonable measures to correct the problem. The name and telephone number of the disturbance coordinator will be posted conspicuously at the construction site.

Mitigation Measure N-2: Disseminate Essential Information to Residences and Implement a Complaint/Response Tracking Program

The construction contractor shall notify residences within 500 feet of the construction areas of the construction schedule in writing before construction begins. The construction contractor shall be responsible for responding to complaints regarding construction noise, determining the cause of the complaint, and ensuring that reasonable measures are implemented to correct the problem. A contact telephone number for the construction contractor, City, and SJRA will be conspicuously posted construction site fences and will be included in the written notification of the construction schedule sent nearby residents.

Operational noise: Noise resulting from operation of the proposed project would include recreational use of the park and general maintenance activities (i.e., landscaping and facility maintenance). Recreational activities from parks and other similar land uses are usually quiet in nature and do not typically generate noise substantial levels of noise. It is anticipated that use of the park would not generate noise levels in excess of the City’s standard of 60 dBA L_{dn} .

As previously mentioned, the existing noise level in the project area is in the range of 50–70 dBA. It is not anticipated that users of the park would be exposed to noise levels from surrounding land uses in excess of the City's standard of 70 dBA.

Maintenance activities, such as landscaping activities, typically include powered equipment (i.e., lawn mowers and leaf blowers) that could potentially generate noise levels in excess of the City's standard of 60 dBA- L_{dn} . Because maintenance activities are typically short-term and transitory in nature, impacts from maintenance activities are considered less than significant.

Railroad noise: The existing UPRR line located adjacent to the project site between Bellevue and San Jose Avenues are anticipated to expose individuals using the park to noise from rail activities. Approximately four trains per day, consisting of 100 cars per train, use the rail line adjacent to the project site, traveling an average speed of 40 miles per hour (Bromley pers. comm.).

Rail noise was modeled based on data provided by UPRR and Federal Transit Administration methodology. Based on the modeling results, it is anticipated that noise from rail operations would generate noise levels of 70 dBA at a reference distance of 50 feet. With only four trains per day, the L_{dn} values for train activities are expected to be less than 70 L_{dn} . Given this level and distance attenuation (approximately 3 dB per doubling of distance), it is anticipated that individuals using the park would be exposed to rail noise levels below the City's threshold of 70 L_{dn} from train activity. Also, short-duration noise from trains generally would not adversely affect use of the park. Therefore, this impact is considered less than significant.

- b. Construction activities associated with excavation could result in a minor amount of ground vibration. Vibration from this activity would be short-term and would end when construction is completed. Because construction would not involve high-impact activities, such as pile-driving, this impact is considered less than significant.
- c. Because construction would be short-term, noise from construction activities would cease when construction activities are completed. Noise resulting from operation of the proposed project would include recreational use of the park and general maintenance activities (i.e., landscaping and facility maintenance). Recreational activities from parks and other similar land uses are usually quiet in nature and do not typically generate noise substantial levels of noise. However, noise from recreational activities has the potential to exceed the ambient noise level by more than 5 dB, particularly at night when noise levels drop. As a result, noise from recreational activities has the potential to result in significant impacts. Implementation of Mitigation Measure N-3 would reduce this impact to a less-than-significant level.

Maintenance activities, such as landscaping activities, typically include powered equipment (i.e., lawn mowers and leaf blowers) that could potentially generate noise levels in excess of the City's standard of 60 dBA L_{dn} . Because

maintenance activities are typically short-term and transitory in nature, however, impacts from maintenance activities are considered less than significant.

Mitigation Measure N-3: Limit Hours of Operation for Park Facilities

The hours of operation of the park will be limited to the hours between 7:00 a.m. and 7:00 p.m. to prohibit park activities from exceeding ambient noise levels by more than 5 dB.

- d. Construction activities could result in noise that is more than 5 dB more than the ambient noise level. This impact is considered significant. Implementation of Mitigation Measures N-1 and N-2 would reduce this impact to a less-than-significant level.
- e, f. The project site is not located near a public airport. The project site is not located in the vicinity of a private airstrip. There would be no workers onsite during the operational phase of this project. Therefore, there would be no impact.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
XII. POPULATION AND HOUSING.	Would the project:				
a.	Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	q	q	q	X
b.	Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?	q	q	q	X
c.	Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?	q	q	q	X

Setting

The area surrounding the project site is currently developed primarily with commercial and industrial uses. Housing in the area north of the project site consists primarily of single-family residences.

Discussion of Impacts

- a–c. The proposed park is not a growth-inducing project. It would change the use of the site from light industrial to recreational, and its implementation would not induce growth. The proposed project does not contain any residential components or encroach onto private residential property. Therefore, it would neither create new housing nor displace existing housing. It would have no impact on housing or population growth.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
XIII. PUBLIC SERVICES. Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
Fire protection?	q	X	q	q
Police protection?	q	X	q	q
Schools?	q	q	X	q
Parks?	q	q	X	q
Other public facilities?	q	q	X	q

Discussion of Impacts

- a. The project site is currently served by the San Jose Fire Department for fire and emergency response services and the San Jose Police Department for police protection. Because of increased use at the project site, the departments may receive an increased number of calls for service. However, these additional calls would not likely result in the need for new or expanded fire or police stations, the construction of which could cause environmental impacts. It is expected that onsite security measures such as nighttime lighting would reduce security issues. As a result, the proposed project would have a less-than-significant impact on fire and police services.

The demand for schools and parks is directly related to an increase in population. Because the proposed project does not include any housing elements and is not a growth-inducing project, it would not add to the city population, especially the number of school-age children in the city. As discussed under "Recreation," the proposed project will provide a new neighborhood park in San Jose, which could reduce use of existing public parks in San Jose and therefore result in a beneficial effect on those facilities. As such, no impact on schools or parks is expected.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
XIV. RECREATION. Would the project:					
a.	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	q	q	q	X
b.	Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	q	q	q	X

Discussion of Impacts

- a-b. The proposed project would serve to meet existing demand for a public park in the Washington area, in particular the Cottage Grove/Pomona neighborhood, of San Jose. Rather than increasing the use of existing parks within the city, the proposed project is expected to reduce the use of existing parks. Currently, the playgrounds, basketball courts, and turf field at Washington Elementary School, located at Sherman and Oak Streets, are the only recreational facilities available in the Washington area. Bierbrach Park, located west of SR 87 at West Virginia Street and Delmas Avenue, is currently the nearest park to the Washington area. Because the proposed project would provide a public park for neighborhood residents who previously traveled to parks in other areas of the city, it would have a beneficial effect on park and recreation facilities in the city.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	q	q	X	q
b. Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways?	q	q	X	q
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	q	q	q	X
d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	q	q	q	X
e. Result in inadequate emergency access?	q	q	q	X
f. Result in inadequate parking capacity?	q	q	q	X
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	q	q	q	X

Setting

The proposed project would be developed between Monterey Highway and Pomona Avenue on Bellevue Avenue in a residential and light industrial area of San Jose. Bellevue Avenue is a neighborhood street with no centerline. No established parking exists for the warehouse buildings at the project site, and the southern side of Bellevue Avenue lacks gutters, a sidewalk, and demarcated street parking.

Discussion of Impacts

- a–b. Implementation of the proposed project would not result in a substantial traffic increase that would have an adverse effect on roadways, affect roadway capacity or LOS, or contribute to cumulative effects. The proposed project is a neighborhood park that is expected to draw visitors from the adjacent neighborhood. It is assumed that many of these visitors would walk or bike to the park. The proposed project would create new parking along the south side of Bellevue Avenue to serve those visitors traveling to the park by motor vehicle.

Based on observation of other city parks (Institute of Transportation Engineers 1997), approximately 13–35 new trips per day are estimated to result from development of the park. This may be offset to some degree by trips eliminated by the demolition of the existing warehouse buildings. However, even without this offset, the addition of 13–35 new vehicle trips per day would not constitute a significant impact.

Construction-related activities at the project site would result in minor, short-term traffic increases. Workers and construction vehicles and equipment would travel to and from the site during the construction period. Construction activities are not expected to result in the temporary closure of any streets in the vicinity.

- c–e. As a neighborhood park, the proposed project would not involve any activities that would alter air traffic patterns, substantially increase hazards caused by design features, or result in inadequate emergency access. Therefore, there would be no impact.
- f. Implementation of the proposed project would not result in an insufficient amount of parking to accommodate the proposed project's needs. Although the proposed project would not include a separate parking facility, ample parking exists on surrounding streets. No sidewalks, curbs, or clearly demarcated parking spaces currently exist on the south side of Bellevue Avenue, adjacent to the proposed park. The proposed project would develop on-street parking along this side of Bellevue Avenue and provide street improvements such as sidewalks and curbs. It is estimated that approximately 18–20 linear feet per parking space would be required (Institute of Transportation Engineers 1999), resulting in enough room for parking spaces for approximately 28–30 vehicles along the south side of Bellevue Avenue. The proposed project would not result in inadequate parking supply, but instead provide new parking for adjacent residences and park users.
- g. The proposed project would not conflict with any policies, plans, or programs supporting alternative transportation. The proposed project would include bicycle racks for park users. No impact is expected.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS.	Would the project:				
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	q	q	X	q
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	q	q	X	q
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	q	q	X	q
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?	q	q	X	q
e.	Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	q	q	X	q
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	q	q	X	q
g.	Comply with federal, state, and local statutes and regulations related to solid waste?	q	q	X	q

Setting

All domestic and commercial water in metropolitan San Jose is supplied by San Jose Water Company. Groundwater from the Santa Clara Groundwater Basin is the source of water for the project area. All wastewater in San Jose is discharged to the San Jose/Santa Clara Water Pollution Control Plant in Alviso, which has the capacity to treat 167,000,000 gallons of wastewater per day. The proposed project would be served by this city system via connections to existing mains near the project area. Restrooms, drinking fountains, and the irrigation system would be connected to city sewer and San Jose Water Company water hookups located under Bellevue Avenue. The irrigation system would also be plumbed to

accept recycled water in the future at such time that existing recycled water infrastructure is extended within a feasible hookup range. The nearest existing main pipeline is in Senter Road, over 1 mile away. It would not be feasible to extend the pipe to this area (Clark pers. comm..)

The project site would continue to be served by the Integrated Waste Management Division of the City of San Jose Environmental Services Department, which collects waste on a weekly basis in the project area.

Discussion of Impacts

- a–e. The proposed project would not be expected to have a substantial impact on wastewater treatment or water supply because a public park of this size typically does not use large amounts of water or generate substantial amounts of wastewater. The proposed project would be served by an existing 6-inch water main under Bellevue Avenue. Adequate water supply exists to serve the proposed project, and the proposed project would not impose a burden on this supply. Consequently, the proposed project would not impose a demand for public utilities that would require expansion or extension of any major infrastructure, such as pipelines, water storage facilities, or treatment plants. Therefore, the proposed project would have a less-than-significant impact on existing sewer, water, and storm drain systems.
- f–g. The proposed project would not generate substantial amounts of solid waste; therefore, it would not result in additional solid waste service to the site or require the development of additional landfills or waste facilities. As such, the proposed project would have a less-than-significant impact on solid waste collection and disposal.

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less-than- Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE.					
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	q	q	X	q
b.	Does the project have impacts that are individually limited but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	q	q	X	q
c.	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	q	q	X	q

Discussion of Impacts

- a. The project site is located on previously developed/disturbed land with little or no high-quality habitat for wildlife species and no habitat for fish species. Based on the findings of this IS/MND, the project would not degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. No examples of California history or prehistory are known to exist at the project site; however, potential discovery of such resources could occur during excavation and construction. These potential effects would be reduced with implementation of the mitigation measures described under “Cultural Resources.” As a result, the proposed project would have a less-than-significant impact on these resources.
- b. The proposed project would not have individually limited but cumulatively significant impacts on resources because all possible construction-related effects

have been eliminated or reduced to a less-than-significant level through the incorporation of mitigation measures into the project design.

- c. The proposed project would not have any known direct or indirect adverse impacts on humans because construction-related effects would be temporary and would be eliminated or reduced to a less-than-significant level through the incorporation of mitigation measures into the project design.
- d. The proposed project would not result in any significant operational impacts associated with air quality, noise, or transportation. There are no other environmental issues that could cause substantial adverse effects on human beings.

Chapter 4

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Chapter 5

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